

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

12	UNITED STATES OF AMERICA,	)	No. CR-08-0326 CW
13	Plaintiff,	)	
14	v.	)	<del>[PROPOSED]</del> ORDER DETAINING
15	ANTONIO DERAY DARNELL,	)	DEFENDANT ANTHONY DAVID
16	a/k/a "Young Rayda,"	)	OCHOA, JR. PENDING TRIAL
17	a/k/a "Rayda,"	)	
18	a/k/a "Ray Ray,"	)	
19	TERRELL ANTONIO MOORE,	)	Date: June 25, 2008
20	a/k/a "T," and	)	Time: 9:30 a.m.
21	ANTHONY DAVID OCHOA, JR.,	)	Court: Hon. Nandor J. Vadas
22	a/k/a "Ant,"	)	
23	Defendants.	)	
24		)	
25		)	
26		)	
27		)	
28		)	

The defendant, Anthony David Ochoa, Jr., is charged with one count of conspiracy to interfere with commerce by robbery and extortion in violation of 18 U.S.C. § 1951(a), one count of interfering with commerce by robbery and extortion in violation of 18 U.S.C. § 1951(a), and one count of using, carrying, and brandishing a firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii). He made his initial appearance before United States Magistrate Judge Wayne D. Brazil on June 16, 2008. On June 25, 2008, this Court heard the United States' motion to detain defendant Ochoa without bail pending trial. Defendant

Ochoa was present, in custody, and represented by counsel. The parties proceeded, without objection, by proffer. Both parties had an opportunity before the hearing to review a criminal history report prepared by the United States Pretrial Services Agency.

After considering the evidence and the parties' arguments, this Court Orders that defendant Ochoa be detained pending trial. The Court finds by clear and convincing evidence that defendant Ochoa poses a serious risk of danger to the community, and by a preponderance of the evidence that there is a serious risk that defendant Ochoa will flee.

For the reasons stated on the record at the detention hearing, including the following, the Court finds that under 18 U.S.C. § 3142(e), no condition or combination of conditions will reasonably ensure defendant's appearance or the safety of the community:

1. Defendant faces serious charges alleging that he committed crimes of violence. Specifically, according to the Indictment and the proffer by the government at the detention hearing, defendant Ochoa was involved in a sophisticated car jacking plan in which a victim was lured to a specific location in order to steal his/her car at gunpoint. Additionally, and again according to the Indictment and the proffer by the government at the hearing, defendant Ochoa drove the getaway car to aid in the execution of the car jacking plan. Defendant, therefore, poses a serious danger to the community if he is released.

2. Defendant has one previous conviction for evading the police. According to the Indictment and the proffer by the government at the hearing, defendant Ochoa fled from the police again as part of the instant offense. Defendant, therefore, poses a serious flight risk.

Based on the foregoing, the United States' motion for detention is GRANTED. IT IS HEREBY ORDERED that:

1. Defendant Ochoa be detained pending trial pursuant to 18 U.S.C. § 3142;

2. Defendant Ochoa be, and hereby is, committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeals;

3. Defendant Ochoa be afforded reasonable opportunity for private consultation with his counsel; and

1                   4.       On order of a court of the United States or on request of an attorney for the  
2 government, the person in charge of the corrections facility where defendant Ochoa is confined  
3 shall deliver defendant Ochoa to an authorized Deputy United States Marshal for the purpose of  
4 any appearance in connection with a court proceeding.

5  
6 IT IS SO ORDERED

7  
8 DATED: June 30, 2008

9   
10 \_\_\_\_\_  
11 HONORABLE NANDOR J. VADAS  
12 United States Magistrate Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28